

USDS SDNY  
DOCUMENT  
ELECTRONICALLY FILED  
DOC #:  
DATE FILED: 3/4/11

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

ARISTA RECORDS LLC; ATLANTIC  
RECORDING CORPORATION; ARISTA  
MUSIC, fka BMG MUSIC; CAPITOL  
RECORDS, I.L.C, fka CAPITOL RECORDS,  
INC.; ELEKTRA ENTERTAINMENT  
GROUP INC.; INTERSCOPE RECORDS;  
LAFACE RECORDS LLC; MOTOWN  
RECORD COMPANY, L.P.; PRIORITY  
RECORDS LLC; SONY MUSIC  
ENTERTAINMENT, fka SONY BMG  
MUSIC ENTERTAINMENT; UMG  
RECORDINGS, INC.; VIRGIN RECORDS  
AMERICA, INC.; and WARNER BROS.  
RECORDS INC.,

Plaintiffs,

v.

LIME WIRE LLC; LIME GROUP LLC;  
MARK GORTON; and M.J.G. LIME WIRE  
FAMILY LIMITED PARTNERSHIP.

Defendants.

06 Civ. 05936 (KMW) (DF)  
ECF CASE

STIPULATION AND ~~PROPOSED~~ ORDER  
WITHDRAWING PLAINTIFFS' MOTION FOR A RECEIVER

Joseph T. Baio, Esq.  
Tariq Mundiya, Esq.  
Mary J. Eaton, Esq.  
Mei Lin Kwan-Gett, Esq.  
Todd G. Cosenza, Esq.  
Willkie Farr & Gallagher LLP  
787 Seventh Avenue  
New York, N.Y. 10019-6099  
(212) 728-8000  
*Attorneys for Defendants*

Glenn D. Pomerantz (*pro hac vice*)  
Kelly M. Klaus (*pro hac vice*)  
Melinda E. LeMoine  
Jonathan H. Blavin (*pro hac vice*)  
Munger, Tolles & Olson, LLP  
355 South Grand Avenue  
Los Angeles, CA 90071  
(213) 683-9100  
*Attorneys for Plaintiffs*

March 1, 2011

WHEREAS, on November 18, 2010, Plaintiffs moved the Court to appoint a receiver, and on November 23, 2010, Defendants opposed the Motion; and

WHEREAS, on December 6, 2010, this Court held a hearing to address Plaintiffs' Motion, and ordered the parties to meet and confer with their respective experts and work together to attempt to resolve the concerns raised in the Motion; and

WHEREAS, the parties have met and conferred at length and conducted certain discovery pursuant to the Court's directive and as a result have reached certain agreements that they now seek to formalize before this Court; and

WHEREAS, the parties have negotiated a remedial measure and a security protocol, which security protocol is attached (under seal) to this Stipulation and [Proposed] Order as Exhibit A ("the Security Protocol"); and

WHEREAS, the parties have agreed to have J. Christopher Racich of Vestigant act as a Neutral Custodian to implement a Security Protocol; and

WHEREAS, Plaintiffs do not waive, and expressly reserve, all claims; and

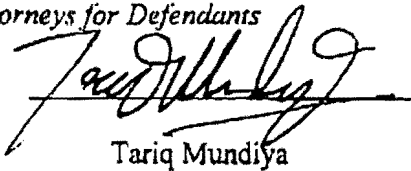
WHEREAS, Defendants do not waive, and expressly reserve, all defenses;

WHEREAS, upon the Court's approval of this Stipulation and appointment of the Neutral Custodian, Plaintiffs have agreed to withdraw their Motion for a Receiver, without prejudice, reserving all rights as above;

NOW, THEREFORE, it is hereby stipulated and agreed as follows:

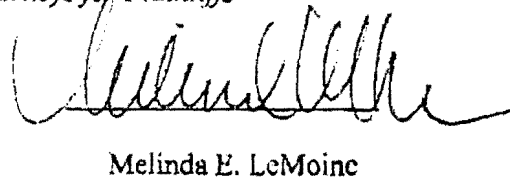
1. J. Christopher Racich is appointed Neutral Custodian and charged with the responsibilities detailed in the Security Protocol, attached (under seal) as Exhibit A.
2. Plaintiffs' Motion for a Receiver is withdrawn without prejudice.

Joseph T. Baio, Esq.  
Tariq Mundiya, Esq.  
Mary J. Eaton, Esq.  
Mei Lin Kwan-Gett, Esq.  
Todd G. Cosenza, Esq.  
Willkie Farr & Gallagher LLP  
787 Seventh Avenue  
New York, N.Y. 10019-6099  
(212) 728-8000  
*Attorneys for Defendants*



Tariq Mundiya

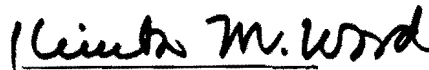
Glenn D. Pomerantz (*pro hac vice*)  
Kelly M. Klaus (*pro hac vice*)  
Melinda E. LeMoine  
Jonathan H. Blavin (*pro hac vice*)  
Munger, Tolles & Olson, LLP  
355 South Grand Avenue  
Los Angeles, CA 90071  
(213) 683-9100  
*Attorneys for Plaintiffs*



Melinda E. LeMoine

SO ORDERED. 3-3-11

Date:

  
Kimba M. Wood  
United States District Judge